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EX PARTE OR LATE FILED

THE VILLAGE OF WESTERN SPRINGS

July 10, 1998

Chairman William Kennard
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, DC 20554

Ex Parte Filing in cases FO 91-171' FO 91-301

Dear Chairman Kennard:

Please reject the proposed change in your Emergency Alert System (EAS) rules. The proposed change would prevent people watching local TV stations on a cable TV system from receiving emergency announcements from their local public safety authorities.

Municipalities are charged with protecting the safety of the public. We have trained public safety personnel on duty 24 hours a day with an obligation and duty to notify the public of emergencies. Where they have felt it necessary municipalities have required all channel local alert systems in their cable franchises. It is a violation of Federalism, common sense, and your statutory duty to turn this vital public safety function over to a private party who has no obligation, training or authority on public safety matters.

Emergency information prepared by TV stations can be helpful but typically apply mainly to weather. Local emergency alerts are used for other types of emergencies, such as hazardous material spills, water main breaks, gas leaks, down power lines, prison escapes, street and bridge closings and local snow emergencies. TV stations do not announce these types of hazards to the public. In part, this is because TV stations serve hundreds of communities. They do not cover local emergencies which affect only one community. Cable systems are often the best or only means for municipalities to alert their residents to local emergencies which reflect local conditions.

Broadcasters supporting the proposed rule claim that their emergency alerts are superior to those of state and local public safety authorities. This is a decision for each municipal safety authority to determine on a case by case basis, as reflected in their cable franchise. This decision cannot be turned over by a private party with no public safety obligation.

Alert systems deal with emergencies where public safety authorities have determined that the public needs to be informed immediately. The fact that emergency alerts from public safety authorities may occasionally overlap those of private parties, such as commercial broadcasters, is a minor problem, if one at all. The NAB's proposed rule is unacceptable because it guarantees a substantial reduction in the number of people receiving emergency announcements from their local public safety authority.

There is no basis for such preemption of state and local public safety authorities, particularly against their will. All viewers of cable channels should get emergency announcements from their local public safety authority for obvious reasons. Please reject the proposed change, including any proposal to preempt franchise provisions on local emergency alerts.

The Cable Act allows communities in renewals to require cable systems to meet community needs. Local emergency alert systems are a part of meeting such needs. Because they are protected by these provisions of the Cable Act you must not preempt them. Any attempt at preemption would violate principles of Federalism and the U.S. Constitution due to public safety matters being of vital local concern.

Sincerely,

A handwritten signature in black ink, appearing to read "MJBourke", with a long, sweeping horizontal stroke at the end.

Martin J. Bourke,
Village Manager

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JUL 16 1998

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EX PARTE OR LATE FILED

THE VILLAGE OF WESTERN SPRINGS

July 13, 1998

Ms. Magalie Roman Salas
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Ex Parte Letter Re: Cases FL 91-171; FO 91-301

Dear Secretary Salas:

Enclosed are two (2) copies of an ex parte presentation in the above-referenced proceeding.

Very truly yours,

Carolyn E. Sullivan
Deputy Village Clerk

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